



California Regional Water Quality Control Board Central Valley Region

Karl E. Longley, ScD, P.E., Chair



Arnold
Schwarzenegger
Governor

Sacramento Main Office

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Linda S. Adams
Secretary for
Environmental Protection

15 May 2009

CERTIFIED MAIL

7007 0710 0004 3778 1383

David Medina
A & M Dairy
213 N Denton Ct
Visalia, CA 93291

CERTIFIED MAIL

7007 0710 0004 3778 1390

Ed Fonte
A & M Dairy
2945 R Street
Merced, CA 95317

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R5-2009-0531, A & M DAIRY, MERCED COUNTY

Enclosed is an Administrative Civil Liability (ACL) Complaint, issued pursuant to California Water Code (CWC) section 13267(b), for violation of the Waste Discharge Requirements General Order for Existing Milk Cow Dairies, Order R5-2007-0035 ("General Order"). The Complaint charges A & M Dairy (hereafter "Discharger") with a civil liability in the amount of **one thousand dollars (\$1,000)** for failure to file required reports.

Pursuant to CWC section 13323, the Discharger may:

- Pay the assessed civil liability and waive its right to a hearing before the Central Valley Water Board by signing the enclosed waiver (checking off the box next to item #4) and submitting it to this office by **15 June 2009**, along with payment for the full amount;
- Agree to enter into settlement discussions with the Central Valley Water Board and request that any hearing on the matter be delayed by signing the enclosed waiver (checking off the box next to item #5) and submitting both the waiver and a letter describing the issues to be discussed to this office by **15 June 2009**; **or**
- Contest the Complaint and/or enter into settlement discussions with the Central Valley Water Board without signing the enclosed waiver.

If the Discharger chooses to sign the waiver and pay the assessed civil liability, this will be considered a tentative settlement of the violations in the Complaint. This settlement will be considered final pending a 30-day period, starting from the date of this Complaint, during which time interested parties may comment on this action by submitting information to this office, attention Neena Moitoso. Should the Central Valley Water Board receive new information or comments during this comment period, the Central Valley Water Board's Executive Officer may withdraw the complaint, return payment, and issue a new complaint. If the Central Valley Water Board does not hold a hearing on the matter, and if the terms of the final settlement are not

significantly different from those proposed in the enclosed Complaint, then there will not be additional opportunities for public comment on the proposed settlement.

If the Central Valley Water Board does not receive a signed waiver within 30 days of the date of this Complaint (**by 15 June 2009**), then a hearing will be scheduled for the **13/14 August 2009** Central Valley Water Board meeting in Rancho Cordova. The Central Valley Water Board's Prosecution Team has proposed the enclosed draft Hearing Procedures to govern the conduct of such a hearing. Any objections to these draft Hearing Procedures must be received by Lori Okun, whose contact information is listed in the enclosed draft Hearing Procedures, by **5 p.m. on 26 May 2009**.

Any comments or evidence concerning the enclosed Complaint must be submitted in accordance with the deadlines contained in the enclosed draft Hearing Procedures, unless these deadlines are changed by the Central Valley Water Board's Adjudicatory Team, either on their own accord or upon request.

In order to conserve resources, this letter transmits paper copies of the documents to the Discharger only. Interested persons may download the documents from the Central Valley Water Board's Internet website at:

http://www.waterboards.ca.gov/centralvalley/tentative_orders/.

Copies of these documents can also be obtained by contacting or visiting the Central Valley Water Board's office weekdays between 8:00 AM and 5:00 PM.

If you have any questions or comments regarding the Administrative Civil Liability Complaint, please contact Neena Moitoso at (916) 464-4710.

RUDY SCHNAGL
Environmental Program Manager I
Chief, San Joaquin River Section

Enc: Administrative Civil Liability Complaint No. R5-2009-0531
Draft Hearing Procedure
Hearing Waiver

cc: Ms. Pamela C. Creedon, Executive Officer, Central Valley Water Board
Mr. Dan Radulescu, Enforcement Coordinator, Central Valley Water Board
Mr. Patrick Pulupa, Office of Chief Counsel, State Water Resources Control Board
Mr. Reed Sato, Enforcement Unit, State Water Resources Control Board
Mr. Joe Karkoski, Acting Assistant Executive Officer, Central Valley Water Board
Mr. Ken Landau, Assistant Executive Officer, Central Valley Water Board
Ms. Lori Okun, Senior Staff Counsel, State Water Resources Control Board